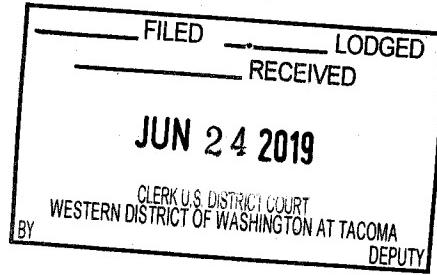


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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 UNITED STATES OF AMERICA,

NO. CR19-5129

11 Plaintiff,

12 v.

13 OLGA RIVAS-MEDINA,

14 Defendant.

15 FINDINGS AND ORDER ACCEPTING  
16 DEFENDANT FOR DEFERRED  
17 PROSECUTION, APPROVING TREATMENT  
18 PLAN, AND DIRECTING DEFENDANT TO  
19 TAKE TREATMENT AS PRESCRIBED

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23  
24 THIS MATTER, coming on for hearing this 24<sup>th</sup> day of June, 2019, upon the  
25 defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her  
26 attorney, Donna Person-Smith,; the United States of America being represented by  
27 Barbara J. Sievers, Assistant United States Attorney; the Court, having examined and  
28 incorporated into the record Petitioner's Petition and Statement in support of deferred  
prosecution, the evaluation and treatment report prepared by Alternative Counseling, and the  
files and records herein, being fully advised in the premises, does now make and enter the  
following:

I. FINDINGS OF FACT

A. On or about the 18<sup>th</sup> day of December, 2018, Petitioner was charged with the  
offense charged in the Information. This offense occurred as a direct result of  
alcoholism/chemical dependency problems;

i       B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;  
2       C. The probability of similar misconduct in the future is great if the problem is not  
3 treated;

4       D. Petitioner is amenable to treatment;

5       E. An effective rehabilitative treatment plan is available to Petitioner through  
6 Alternative Counseling, an approved treatment facility as designated by the laws of the State  
7 of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

8       F. That Petitioner agrees to comply with the terms and conditions of the program  
9 offered by the treatment facility as set forth in the diagnostic evaluation from Alternative  
10 Counseling, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to  
11 be liable for all costs of this treatment program;

12      G. That Petitioner has knowingly and voluntarily stipulated to the admissibility  
13 and sufficiency of the facts as contained in the written police report attached to Statement of  
14 Petitioner filed herewith.

15      H. That Petitioner has acknowledged the admissibility of the stipulated facts in  
16 any criminal hearing or trial on the underlying offense or offenses held subsequent to  
17 revocation of this Order Granting Deferred Prosecution and that these reports will be used to  
18 support a finding of guilt;

19      I. That Petitioner has acknowledged and waived the right to testify, the right to a  
20 speedy trial, the right to call witness to testify, the right to present evidence in his or her  
21 defense, and the right to a jury trial;

22  
23      From the foregoing FINDINGS OF FACT, the Court draws the following:

## 24                   **II. CONCLUSIONS OF LAW**

25      A. That the above-entitled Court has jurisdiction over the subject matter and  
26 Petitioner OLGA RIVAS-MEDINA, in this case;

27      B. That Petitioner's Petition for Deferred Prosecution meets the requirements of  
28 RCW 10.05 et seq.;

C. That the diagnostic evaluation and commitment to treatment meets the requirements of RCW 10.05.150;

D. That Petitioner is eligible for deferred prosecution.

### III. ORDER

Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby

ORDERED that the defendant is accepted for deferred prosecution. The prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to RCW 10.05 et seq., upon the following terms and conditions:

A. Petitioner shall be on probation for the deferral period and follow the rules and regulations of probation;

B. Petitioner shall enroll in and successfully complete the two-year treatment program recommended by Alternative Counseling, according to the terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is attached to the Petition and incorporated herein by reference. Petitioner shall not change treatment agencies without prior Probation approval;

C. The treatment facility, Alternative Counseling, shall file with the United States Probation Office status reports of Petitioner's compliance with treatment, monthly during the first year of the deferred prosecution period and every three (3) months during the second year. The Court may increase the frequency of these reports at its discretion;

D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

E. Petitioner shall abstain during the deferred prosecution period from any and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

F. Petitioner shall not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance sufficient to comply with the state laws on financial responsibility;

G. Petitioner shall be law abiding and shall not commit any alcohol/drug related offenses or other criminal offenses during the period of deferral,

1           H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,  
2 questioned, or cited by Law Enforcement;

3           I. In the event that Petitioner fails or neglects to carry out and fulfill any term or  
4 condition of her treatment plan or violates any provision of this Order or any rule or  
5 regulation of her probation officer, upon receiving notice, the Court shall hold a hearing to  
6 determine why Petitioner should not be removed from deferred prosecution and prosecuted  
7 for the offense/offenses charged;

8           J. In the event the Court finds cause to revoke this deferred prosecution, the  
9 stipulated police reports shall be admitted into evidence, and Petitioner shall have her guilt or  
10 innocence determined by the Court;

11          K. That the statement of Petitioner for Deferred Prosecution shall remain sealed,  
12 and all subsequent reports or documents relating to her treatment information shall be sealed,  
13 to maintain confidentiality of Petitioner's treatment information;

14          L. That the Department of Licensing be notified of this Order accepting the  
15 Petitioner for deferred prosecution;

16          ///

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1 M. Upon proof of Petitioner's successful completion of five years deferral period  
2 in this Order, the Court shall dismiss the charges pending against Petitioner.

3 N. Additional conditions:

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7 DONE IN OPEN COURT this 24<sup>th</sup> day of June, 2019.

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DWChristel

11 DAVID W. CHRISTEL  
12 United States Magistrate Judge

13 Presented by:

14 Donna Person-Smith  
15 DONNA PERSON-SMITH  
16 Attorney for Petitioner

17 I have received a copy of the foregoing Order of Deferred Prosecution. I have read  
18 and understand its contents, and agree to abide by the terms and conditions set forth herein.

19

20 Dated: 6/24/2019

21 Olga Rivas-M  
22 OLGA RIVAS-MEDINA  
23 Petitioner

24 I certify that a copy of this signed Order was mailed to the subject treatment facility,  
25 on June 24, 2019. The United States Probation Office was also furnished  
a copy of this Order.

26 Lynn Brey  
27 Clerk